

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FIRST SEALORD SURETY	:	CIVIL ACTION
	:	NO. 10-832
v.	:	
	:	
DURKIN & DEVRIES INSURANCE	:	
AGENCY	:	
v.	:	
HELLER & SMITH CORPORATION	:	

ORDER

AND NOW this 17th day of January, 2013, it is ORDERED that Durkin's motion to dismiss First Sealord's amended complaint is DENIED.

It is further ORDERED that Durkin's motion to quash the third-party subpoena is DENIED and St. Paul Fire and Marine Insurance Company shall produce all documents responsive to First Sealord's subpoena within 20 days after the date of this Order.

It is further ORDERED that Durkin's motion for summary judgment as to First Sealord's breach of contract and breach of fiduciary duty claims is DENIED.

It is further ORDERED that discovery is extended for three months from the date of this Order.

If the parties believe a settlement conference would be productive they should contact my deputy Mr. Charles Ervin (267-299-7559) promptly.

_____/s/____

THOMAS N. O'NEILL, JR., J.